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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/733,868	12/11/2003	Randy Westlund	GUID.076PA (02-046)	8097
51294	7590	06/16/2005	EXAMINER	
CRAWFORD MAUNU PLLC 1270 NORTHLAND DRIVE SUITE 390 ST. PAUL, MN 55120			JASTRZAB, JEFFREY R	
			ART UNIT	PAPER NUMBER
			3762	

DATE MAILED: 06/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/733,868

Applicant(s)

WESTLUND, RANDY

Examiner

Jeffrey R. Jastrzab

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 29 April 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 6, 8, 11-14, 16, 19, 21, 24, 25, 27, 30, 31 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salo et al., US 5,728,140, in view of Helland et al, US-5,545,210. Salo discloses the invention substantially as claimed including an insulated active fixation electrode, torquable electrical conductor (54) with corkscrew tip, including an insulated covering on a majority of, i.e. all but 1-2 mm of the 5-8 mm helical tip. Salo et al. however fail to teach what type of insulation is used. Helland et al. teach PTFE as an acceptable insulation for helical tip electrodes in the same field of endeavor. It would have been obvious to those of ordinary skill in the art at the time of the invention to have substituted any acceptable biocompatible insulation for the insulation in Salo et al. as a mere substitution known functional equivalents.

Claims 2, 4, 7, 9, 15, 17, 20, 22, 26, 28, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salo et al., US 5,728,140, in view of Helland et al, US-5,545,210 and further in view of Carson, US 5,931,862. The modified Salo et al. device discloses the invention substantially as claimed less a polymeric coating with a fluoropolymer coating there over. Helland et al. teach that a porous or microporous coating can be applied over the electrode surfaces for improve sensing capabilities

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(column 4 at lines 52-55) and thus making the addition of such to Salo et al. obvious in order to enhance sensing, although Helland et al. fail to teach the actual material used for the coating. Carson teaches ePTFE for a microporous material for medical leads to cover an electrode but allow electrical transmission through the coating (as in Helland), as such, coating the Salo et al. device with ePTFE would have been a obvious in order to enhance sensing with a known microporous electrode coating.

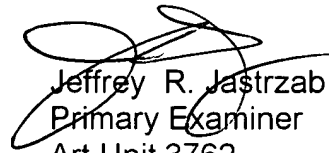
Claims 5, 10, 18, 23, 29 and 35 are rejected as being unpatentable over Salo et al., US 5,728,140, in view of Helland et al, US-5,545,210 and further in view of Stokes et al. H356. The modified Salo et al. device discloses the invention substantially as claimed less drug elution. Stokes teaches a drug eluting port in the same field of endeavor for eliminating tissue reaction at the electrode. It would have been obvious to have incorporated drug elution into the Salo et al. device in order to eliminate tissue reaction effects of implantation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey R. Jastrzab whose telephone number is (571) 272-4947. The examiner can normally be reached on Monday - Wednesday 5:30 a.m. to 4.00 p.m

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Angela D. Sykes can be reached on (571) 272-4955. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Jeffrey R. Jastrzab
Primary Examiner
Art Unit 3762

6/13/05